

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

ARRIVALSTAR S.A. and MELVINO  
TECHNOLOGIES LIMITED,

Plaintiff,

v.

HAPAG-LLOYD USA, LLC

Defendant.

Case No.

COMPLAINT FOR PATENT  
INFRINGEMENT

DEMAND FOR JURY TRIAL

Plaintiffs ArrivalStar S.A. and Melvino Technologies Limited, by and through  
their undersigned attorneys, for their complaint against defendant Hapag-Lloyd USA, LLC,  
hereby allege as follows:

**NATURE OF LAWSUIT**

1. This action involves claims for patent infringement arising under the patent  
laws of the United States, Title 35 of the United States Code. This Court has exclusive  
jurisdiction over the subject matter of the Complaint under 28 U.S.C. § 1338(a).

**THE PARTIES**

2. ArrivalStar, S.A. is a corporation organized under the laws of Luxembourg,  
and having offices at 67 Rue Michel, Welter L-2730, Luxembourg.

1           3.       Melvino Technologies Limited is a corporation organized under the laws of the  
2 British Virgin Island of Tortola, having a principal place of business at P.O. Box 3152, RG  
3 Hodge Building, Road Town, Tortola, British Virgin Islands.

4           4.       ArrivalStar owns all right, title and interest in, and has standing to sue for  
5 infringement of United States Patent No. 7,030,781 (“the '781 patent”), entitled “Notification  
6 system and method that informs a party of vehicle delay,” issued April 18, 2006. A copy of  
7 the “781” patent is attached hereto as Exhibit A.  
8

9           5.       ArrivalStar owns all right, title and interest in, and has standing to sue for  
10 infringement of United States Patent No. 6,904,359 (“the '359 patent”), entitled “Notification  
11 Systems and Methods With User-Definable Notifications Based Upon Occurrence Of Events”  
12 issued June 7, 2005. A copy of the '359 patent is attached hereto as Exhibit B.  
13

14           6.       Upon information and belief, Defendant Hapag-Lloyd USA, LLC, (“Hapag-  
15 Lloyd” or “Defendant”) is a Florida corporation with a place of business at 401 East Jackson  
16 Street, Suite 3300, Tampa, Florida 33602. Hapag-Lloyd transacts business and has at a  
17 minimum, offered to provide and/or provided to customers in this judicial district and  
18 throughout the State of Washington services that infringe claims of the ‘781 and '359 patents.  
19

#### 20                           **JURISDICTION AND VENUE**

21           7.       This Court has exclusive jurisdiction over the subject matter of the Complaint  
22 under 28 U.S.C. §§ 1338(a). Personal Jurisdiction over the defendants is proper in this Court.  
23 Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b), (c) and/or 1400(b).  
24

#### 25                           **DEFENDANT HAPAG-LLOYD'S ACTS OF PATENT INFRINGEMENT**

26           8.       Hapag-Lloyd has infringed claims of the ‘781 and '359 patents through, among  
27 other activities, the sale and use of its “My Shipments” service, which, upon information and

1 belief, is a shipment and tracking and status system. Hapag-Lloyd has also infringed the '781  
2 and '359 patents by knowingly and actively inducing others to infringe, and by contributing to  
3 the infringement by others of such patents. A preliminary chart showing, for illustrative  
4 purposes, how services offered by Hapag-Lloyd infringe at least Claim 1 of the '781 patent  
5 and Claim 21 of the '359 patent is attached as Exhibit C.

6  
7 9. Hapag-Lloyd's infringement, contributory infringement, and inducement to  
8 infringe has been willful and deliberate and has injured and will continue to injure  
9 ArrivalStar, unless and until this Court enters an injunction prohibiting further infringement  
10 and, specifically, enjoining further use of methods and systems that come within the scope of  
11 the ArrivalStar patents.

12  
13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiffs ask this Court to enter judgment against defendants and  
15 against their subsidiaries, affiliates, agents, servants, employees and all persons in active  
16 concert or participation with them, granting the following relief:

17 A. An award of damages adequate to compensate Plaintiffs for the infringement  
18 that has occurred, together with prejudgment interest from the date infringement of the  
19 Subject Patents began;

20 B. Increased damages as permitted under 35 U.S.C. § 284;

21 C. A finding that this case is exceptional and an award to Plaintiffs of their  
22 attorneys' fees and costs as provided by 35 U.S.C. § 284;

23 D. A permanent injunction prohibiting further infringement, inducement and  
24 contributory infringement of the '781 and '359 patents; and,

25 E. Such other and further relief as this Court or a jury may deem proper and just.  
26  
27

**JURY DEMAND**

ArrivalStar demands a trial by jury on all issues presented in this Complaint.

Dated this 1<sup>st</sup> day of either June, 2011.

Respectfully submitted,

/Philip P. Mann

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**CERTIFICATE OF SERVICE**

I hereby certify that on the day indicated below, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties that have appeared in this matter.

Executed on June 1, 2011.

/s/ Anne K. Smith